

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOAN FESTEVOLE, a/k/a Joan F. Butts, Plaintiff	: : : : : : : : : :	CASE NO. CIVIL ACTION JUDGE
v.		
WELTMAN, WEINBERG & REIS CO., L.P.A, Defendant		

COMPLAINT

Plaintiff, Joan Festevole, by her attorney, Joseph K. Goldberg, Esquire, files this case for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter the "FDCPA"), and the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, *et seq.* (hereinafter the "Consumer Protection Law"), and in bringing this action before this Court avers as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Joan Festevole, also known as Joan F. Butts, is an adult individual residing at 305 South 2nd Street, Steelton, Dauphin County, Pennsylvania 17113.

2. Plaintiff is a "consumer" as defined by § 1692a(3) of the FDCPA.
3. Defendant, Wetlman, Weinberg & Reis Co., L.P.A., is a non-Pennsylvania limited professional association which operates from numerous locations, including 175 South 3rd Street, Suite 900, Columbus, OH 43215.
4. Defendant is engaged in the collection of debts from consumers using the mail and telephone.
5. Defendant is a "debt collector" as defined by § 1692a(6) of the FDCPA.
6. Jurisdiction in this case is based upon the existence of a federal question pursuant to 28 U.S.C. § 1337 and 15 U.S.C. 1692k(d). Declaratory relief is available pursuant to 28 U.S.C. §§2201 and 2202. Venue is appropriate in the Middle District of Pennsylvania pursuant to 28 U.S.C. §1391(b) and (c) since a substantial part of the events giving rise to this claim arose in this District. This Court has supplemental jurisdiction over state claims under 28 U.S.C. §1367(a).
7. The unlawful practices and violations of federal and state law described herein were committed in the Middle District of the Commonwealth of Pennsylvania. Plaintiff has suffered harm in this District as a result of Defendant's wrongful acts. Accordingly, venue is proper in this district.

FACTUAL BACKGROUND

8. On or about June 3, 2008, the defendant mailed three letters to the plaintiff at her residence, for the purpose of collecting three different debts from the plaintiff. A copy of each letter is attached hereto as Exhibits A, B and C.

9. On June 9, 2008, in response to the three letters sent by the defendant, the plaintiff wrote defendant a written demand to immediately cease communications with her. A copy of the letter plaintiff sent to defendant is attached hereto as Exhibit D.

10. Plaintiff mailed the letter June 10, 2008, by certified mail via the U.S. Postal Service.

11. The defendant received and signed for the letter on June 12, 2008, at 9:16 a.m.

12. Despite receiving the aforesaid letter from the plaintiff, the defendant sent the plaintiff another letter in an attempt to collect one of the three accounts covered by the plaintiff's June 9, 2008, letter. A copy of that letter is attached hereto as Exhibit E.

13. The debt arising out of the aforesaid account was incurred for personal, family or household purposes.

14. Defendant's communications violate the FDCPA.

**COUNT I
VIOLATION OF THE FDCPA**

15. The averments of paragraphs 1 through 14 are incorporated herein by reference as if fully set forth.

16. The defendant violated 15 U.S.C. 1692c(c) by contacting the plaintiff after plaintiff had requested the defendant cease communication with the plaintiff.

WHEREFORE, plaintiff respectfully prays that judgment be entered in her favor and against defendant for the following:

A. Declaratory judgment that defendant's conduct violated the FDCPA;

- B. Actual damages;
- C. Statutory damages of up to \$1,000.00, pursuant to 15 U.S.C. § 1692k;
and
- D. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.

Respectfully submitted,



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Date: 7-10-09